

REMARKS

Applicants respectfully request reconsideration of this application as amended.

Without conceding to the propriety of the outstanding rejections, the claims have generally been amended to pursue alternative claim scope. Moreover, in light of these amendments, the objection to the drawings is moot.

Applicant would like to thank the Examiner for the indication of allowable subject matter. By this Amendment, Applicant has amended the indicated allowable claims and placed them into independent form in accordance with the Examiner's statement regarding the allowable subject matter.

Claim 1 has been amended to recite a plurality of subchannels and a plurality of margins, at least a portion of the plurality of margins associated with a portion of the plurality of subchannels, wherein the plurality of margins are based on at least one of changes on the levels of a crosstalk, impulse noise, temperature changes, wire line length, radio frequency interference, a bit error rate, a signaled noise ratio, a seasonal change, statistical information, time information, date information and data rate information.

In contrast, McHale is directed toward a remote XDSL transceiver unit and method of operation where it appears from at least the teachings on columns 5 and 6 and, for example, in Table 1, that "maximum rates specify both upstream and downstream maximum communication rates for the identified line." Similarly, column 6 on line 34 states "this test may be a measure of signal strength and/or noise to determine a line margin, a bit error rate (BER) test, or any other measurement or method to determine the quality or characteristics of the line."

Accordingly, McHale does not teach or suggest the features of Claim 1 and in particular a plurality of margins, at least a portion of the plurality of margins associated with a portion of the plurality of subchannels.

Similarly, Claim 7 is directed toward a plurality of margins, wherein one of the plurality of margins is assigned to at least one of the plurality of subchannels. Claim 13 includes the feature of at least one margin based on a length of the wire line being assigned to at least one of the plurality of subchannels, and at least one other margin based on at least one of changes in the levels of a cross talk, impulse noise, temperature changes, radio frequency interference, a bit error rate, a signal to noise ratio, a seasonal change, statistical information, time information, day information, and data rate information is assigned to at least one other of the plurality of subchannels.

Claim 19 includes the feature of a plurality of subchannels wherein at least two subchannels have a different margin. Similarly, Claim 23 recites a plurality of subchannels, wherein at least two subchannels have a different margin. Claim 30 includes selecting and assigning steps wherein a second margin is assigned to the second number of subchannels wherein the first margin and the second margin are different. Claim 36 states that at least one margin based on a length of the wire line is assigned to at least one of the plurality of subchannels and at least one other margin... is assigned to at least one other of the plurality of subchannels. Claim 42 states that the multicarrier modulation communications environment has at least two subchannels, wherein at least two of the at least two subchannels have a different margin.

McHale fails to teach or suggest the features recited in the above independent claims. Accordingly, these claims are neither anticipated nor rendered obvious by the reference of record and the claims that depend therefrom are also allowable by virtue of their dependency and the feature(s) recited therein.

With all objections and rejections having been overcome, Applicant respectfully submits the application is in condition for allowance. An early Notice of Allowance is respectfully solicited.

Should the Examiner believe that any further action is necessary to place this application in better form for allowance, the Examiner is invited to contact Applicant's representative at the telephone number listed below.

The Commissioner is hereby authorized to charge to deposit account number 50-1165 (T3653-8854US01) any fees under 37 CFR § 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

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By:

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